

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ASHEVILLE DIVISION

CARYN DEVINS STRICKLAND,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil No. 1:20-cv-00066-WGY
)	
UNITED STATES, <i>et al.</i>,)	
)	
<i>Defendants.</i>)	

**PLAINTIFF’S REPLY TO DEFENDANTS’ RESPONSE TO PLAINTIFF’S OBJECTION
TO HOLDING TRIAL IN THE CHARLOTTE DIVISION**

Defendants have filed a response to Plaintiff’s “Notice of Objection to *Sua Sponte* Transfer of Trial Location to Charlotte Division.” ECF No. 298. This response states, in part, that “a district court may *sua sponte* consider transfer of venue under § 1404(a),” citing *Feller v. Brock*, 802 F.2d 722, 729 n.7 (4th Cir. 1986). *Id.* at 2. In paraphrasing *Feller*, however, Defendants omitted key conditions imposed on any such transfer by the Fourth Circuit, which stated that although “the district court may consider the possibility of transfer *sua sponte* . . . the parties deserve an opportunity to be heard before a decision is rendered.” *Feller*, 802 F.2d at 729 n.7. This was the precise point made in Plaintiff’s initial filing, *see* ECF No. 280, at 3, which was selectively omitted from Defendants’ response.

Plaintiff reiterates her objection to any potential transfer of the trial location in this case.

This the 23rd day of October, 2023.

Respectfully Submitted,

/s/ Cooper Strickland

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of October, 2023, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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